

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

In re MASSEY ENERGY CO.  
SECURITIES LITIGATION

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) Civil Action No. 5:10-cv-00689

)

) CLASS ACTION

)

This Document Relates To:

)

The Honorable Irene C. Berger

)

ALL ACTIONS.

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**MOTION OF LEAD PLAINTIFF COMMONWEALTH OF MASSACHUSETTS  
PENSION RESERVES INVESTMENT TRUST AND PLAINTIFF DAVID WAGNER  
FOR PARTIAL LIFT OF THE PSLRA DISCOVERY STAY**

PLEASE TAKE NOTICE that Lead Plaintiff Commonwealth of Massachusetts Pension Reserves Investment Trust and Plaintiff David Wagner, on behalf of the Class (collectively, “Plaintiffs”), by their counsel, hereby and respectfully move this Court for an Order to partially lift the PSLRA discovery stay and to permit service of document preservation subpoenas of certain affiliates of defendants believed to possess relevant documents.

In support of this motion, Plaintiffs submit herewith a Memorandum of Law, the Declaration of Joel H. Bernstein, with annexed exhibits, and a Proposed Order.

DATED: February 16, 2011

/s/ Joel H. Bernstein  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 16, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

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